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I. Introduction

In response to the Office Action dated September 25, 2006, claims 21 and 51 have been cancelled, and claims 16 and 46 have been amended. Claims 1-20, 22-50, and 52-60 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Office Action Objections

In paragraph [1], the Office Action objects to the abstract based on the use of legal phraseology. Applicants have amended the abstract as indicated above. A replacement abstract sheet is attached hereto. Accordingly, Applicants submit that the objection is now moot.

III. The Cited References and the Subject InventionA. The Walker Reference

U.S. Patent No. 6,312,332, issued November 6, 2001 to Walker et al. discloses a method and apparatus for team play of slot machines. A method of operating slot machines permits a machine to be identified as available for team play. Upon being identified for team play, the machine is grouped with other slot machines and subject to bonus conditions dependent on the team play. Bonus conditions typically including selected bonus outcomes and a bonus time period, during which bonus time period all outcomes of the grouped machines are monitored to determine the total bonus outcomes. If the total bonus outcomes of the team meet the bonus conditions within the bonus time period, then a bonus payout is awarded to all of the players. Players are thus encouraged to participate in a social, team environment with others of the team to win the group bonus. The invention is applicable to all slot machines, including video poker machines wherein the bonus outcomes include selected video poker hand ranks, and reeled slot machines wherein the bonus outcomes include selected reel outcomes.

B. The Acres Reference

U.S. Patent No. 6,319,125, issued November 20, 2001 to Acres discloses a method apparatus for promoting play on a network of gaming devices. A method and apparatus for controlling a bonusing promotion system using a bonus server interconnected to a plurality of gaming devices is described. A percentage of a wager played on each gaming device is accumulated into a bonus pool stored on the bonus server. The bonus pool is compared to a threshold value stored on the bonus server each time the bonus pool changes. One of the gaming devices is selected when the threshold value is substantially met. A bonus prize funded by the bonus pool is awarded to the selected gaming device.

C. The Forte Reference

US RE38,982, issued February 14, 2006 to Forte et al. disclose a gambling game system and methods. A blackjack or other card game system having a plurality of player counters which count the blackjack hands or other player jackpot tally events dealt to players. The system also includes at least one dealer counter which counts the number of bust hands of the dealer or other dealer jackpot tally events. Displays are included for both the dealer and players to indicate the counts. The counters are typically zeroed at the end of each hand if a tally event has not occurred. Jackpots are awarded when the tally counts exceed predefined thresholds. A tabletop retrofit game system is shown for mounting upon blackjack tables. A special round of play having modified rules can be used as part of the jackpot award.

D. The Subject Invention

The various independent claims of the invention are directed towards related subject matter. More specifically, independent claims 1 and 31 (and the dependent claims that depend therefrom) are directed towards and tracking game play across multiple enterprises. A first set of game outcomes from play of a game associated with a first enterprise is received and stored in a database. A second set of game outcomes from play of a second game associated with a second enterprise independent from the first enterprise is also received and stored in the same database.

Independent claims 16 and 46 are directed towards an award based play of a game. In these claims, various play outcomes that include both winning and non-winning outcomes are received.

Thereafter, a bonus is awarded based on a comparison and, as amended, the bonus is computed based on the recorded non-winning outcomes.

E. Differences Between the Subject Invention and the Cited References

Applicants note that the cross enterprise features of independent claims 1 and 31 are not even remotely discussed in the Office Action. In this regard, almost all of the features of independent claims 1 and 31 are completely ignored. For example, claim 1 recites a first set of game outcomes from play of a game associated with a first enterprise and a second set of game outcomes from a play of a second game associated with a second enterprise that is independent from the first enterprise. The Office Action does not even acknowledge such limitations. Further, the cited art fails to teach such elements.

With respect to independent claims 16 and 46, Applicants have amended the claims to indicate that the bonus is awarded not only on winning outcomes but is based on non-winning outcomes. Such a teaching is completely and entirely lacking from the cited references.

IV. Office Action Prior Art Rejections

In paragraph (2), the Office Action rejected claims 1-7, 13, 16-18, 31-37, 43, and 46-48 under 35 U.S.C. § 102(b) as being anticipated by Walker et al., U.S. Patent No. 6,312,332 (Walker). In paragraph (3), the Office Action rejected claims 8-12, 21-28, 38-42, and 51-58 under 35 U.S.C. §103(a) as being unpatentable over Walker in view of Acres, U.S. Patent No. 6,319,125 (Acres). In paragraph (4), the Office Action rejected claims 14, 15, 19, 20, 29, 30, 44, 45, 49, 50, 59, and 60 under 35 U.S.C. §103(a) as being unpatentable over Walker in view of Forte et al., US RE38,982 (Forte). Applicants respectfully traverse these rejections.

As described above, independent claims 1 and 31 include limitations for tracking game play across two independent enterprises. The Office Action has failed to address these claim limitations. Claims 1 and 31 also provide for storing the outcomes from the different enterprises in the same database. The Office Action has failed to address such claim limitations. In addition, Applicants note that the cited references are not used nor intended to be used in or across multiple enterprises as set forth in the claims. Accordingly, Applicants respectfully submit that these claims are novel and non-obvious over the cited art.

With respect to claims 16 and 46, Applicants have amended the claims such that the bonus that is awarded is based at least in part on recorded non-winning outcomes. Such limitations were brought forward from prior dependent claims 21 and 51 which have been cancelled. In rejecting these claim limitations, the Office Action provided:

Game outcomes may comprise winning outcomes and losing outcomes as disclosed in column 12, lines 59-63, states as "If no bonus hand is detected, i.e., no flush or four-of-a-kind, then repeat play continues...If a royal flush, a regular flush, or a four-of-a-kind is detected, then it is indicated as "a bonus hand obtained", wherein a bonus hand is a winning hand.

Further, Walker et al. discloses that the bonus qualifying game play outcome requirement is a combination of game play outcomes in column 6, lines 22-27, stated as "Bonus condition 78A indicate that when two royal flushes are obtained in total by the team players within two minutes of the initiation of a bonus time period, a bonus...is paid to the player."

Applicants respectfully traverse such assertions. Column 12, lines 59-63, do not base the bonus award on non-winning hands. As can be clearly seen from the above quotation, only if a winning hand is detected – i.e., a royal flush, regular flush, or four-of-a-kind, is a bonus hand considered a winning hand. As recited in the present specification at page 12, lines 2-5:

Preferably, the gaming machines report not only winning outcomes, but losing outcomes as well. This allows bonuses to be awarded for losing outcomes as well as winning outcomes, or different combinations of both.

Such a benefit is not even remotely alluded to in Walker. Instead, Walker only describes bonus awards based on winning hands. In fact, Walker teaches that if a winning hand is not reached, repeat play continues until a winning hand is obtained (see col. 12, lines 59-63). Such a teaching would in fact teach away from the limitations of the present claims. Further, the cited text at col. 6, lines 22-27 does not contradict such a teaching. In this regard, such text in Walker reinforces the teaching away aspects of Walker by indicating a combination of winning hands can be used to award a bonus (i.e., two royal flushes) (i.e. rather than being awarded on losing hands as claimed).

In view of the above, Applicants submit that not only does Walker fail to teach or render obvious the presently claimed invention, but Walker actually teaches away from the present invention's explicit claim limitations.

Further, the various elements of the Applicants' claimed invention together provide operational advantages over the systems disclosed in Walker, Acres, and Forte. In addition, Applicants' invention solves problems not recognized by Walker, Acres, and Forte.

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V. Dependent Claims

Dependent claims 3-15, 17-20, 22-30, 32-45, 47-50, and 52-60 incorporate the limitations of their related independent claims, and are therefore patentable on this basis. In addition, these claims recite novel elements even more remote from the cited references. Accordingly, the Applicants respectfully request that these claims be allowed as well.

VI. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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G&C 31003.24-US-U2